

COMMENTS In the Matter of
Broadcast Localism
MB Docket No. 04-233
REPORT ON BROADCAST LOCALISM
AND NOTICE OF PROPOSED RULEMAKING

I am a career-long (30 year) broadcaster and a first time station-owner of KLNN-FM in Questa, New Mexico and I am submitting these comments in regard to the FCC's proposed rulemaking concerning broadcast localism (MB Docket No. 04-233).

Throughout my career I have learned many things, chief among them is that, in a competitive marketplace, if a station does not adequately serve its community, it will fail.

Today, the radio business is highly competitive. When I started in radio 30 years ago, a small region like Questa/Taos New Mexico would be fortunate to have one or two local broadcast stations to serve their community. Today the region is home to no fewer than eight commercial and non-commercial radio stations with five different owners - all for a population of less than 40,000! Further, our listeners can tune to any number of out-of-market signals not to mention thousands of entertainment and news choices available today via the Internet, satellite, cell phones and other new media choices that weren't even invented when I started in radio.

Ascertainment/Advisory Boards

There is no question that radio broadcasting -especially in small markets - is more competitive than ever. Our station has been on the air for about a year and a half and has yet to make a profit. As owners, with our own skin in the game, we are highly motivated to see to it that our station becomes a vital, important and profitable community asset - one that provides compelling programming, community service and results for our advertisers. Indeed, this is at the core of our business. No further regulation is necessary to compel us to seek and have a good grasp on the issues, lifestyles, interests and tastes of people in our community. Simply put, if we fail in that endeavor, we will fail in business. This is especially true in small markets where listeners and advertisers have plenty of choices as to where to spend their time and money.

The FCC entrusts licensees to operate in the public interest. Since licensees do so at their own considerable risk and expense, the FCC must also entrust them to make programming and content decisions without burdensome, one-size-fits-all regulations that dictate exactly how every station must go about doing so. When it comes to ascertainment, in 2008 the marketplace, not regulation continues to be the best mechanism to ensure broadcasters have the motivation and the freedom to

offer a diversity of voices, opinions, information and programming that best suits their community, target audience and business interests.

Remote Station Operations

The FCC should not impose a regulation requiring 24/7 live staffing of the studio. Such a regulation will present an unbearable financial hardship to single-stations like KLNN and will not significantly improve the station's ability to provide local programming. Using state-of-the-art automation to maintain after-hours programming is not just a cost-savings luxury for many small market stations. In our case it's the only way we can stay on the air. The additional expense of a "babysitter on the board" will take resources away from our efforts to provide the best "prime time" (when the most people are listening) programming possible. A regulation requiring 24/7 staffing will likely result in many small market stations reducing their broadcast hours of operation. Of course, a station that's not broadcasting is providing no service to the public - including automated EAS broadcasts.

The primary benefit to having 24/7 staffing is, presumably, is to ensure the station's ability to respond and air information in the event of a local emergency - and this is why stations participate in the automated Emergency Alert System that can interrupt programming for emergency announcements and alerts. For other local emergencies, we believe a better, less draconian approach would be for stations to make sure local public officials (fire, police, emergency management, etc.) know how to get a hold of all key people at the station (announcer, engineer, manager) in the event of an emergency. That's all a 24/7 minimum wage "babysitter on the board" would do - call someone else. In the age of cell phones, pagers and text messaging, there's no practical reason why station should be required to incur the extraordinary additional expense of 24/7 staffing when there are other, more cost effective means to accomplish the same goal.

Main Studio Location

FCC should not revert to its pre-1987 rules and require that a station's main studio be located within its community of license. Such a requirement would present a significant financial hardship to our and other similarly situated small market stations and would significantly diminish our ability to connect with our local community. KLNN's studios are located in the business center of our rural region and county seat, about 20 miles from our community of license. We feel it's vital that our studios and offices be at the center of the region's business, government, education, health care and tourism. Additionally, we rent studio space and other "back office" and engineering services from another local broadcaster, KTAO resulting in vital operational costs savings for both companies. Our current studio location gives us easy access to business and community leaders, artists, and organizations from throughout the large rural area that we serve including our community of license.

Requiring KLNN to move our main studio almost 30 minutes away from the main trading and business center of the region would restrict our ability to serve the citizens because it would limit our access to individuals and organizations that serve the broader region including our community of license. It would restrict our ability to build a relationship with community leaders and restrict our sales effort, thus negatively impacting our financial viability. It would also dramatically increase our cost structure, as we are currently able to share certain costs for rent, sales and back office support, engineering, utilities, etc.

Voice Tracking

The FCC should not impose restrictions on the use of voice tracking. Voice tracking is basically "time shifting" of live DJ breaks (usually by just a few hours) and allows stations to have familiar voices and timely content on the air during more hours of the day. Voice tracking allows KLNN to stay more local as we are able to provide timely weather and community information during times when a live DJ is not available. If KLNN were not allowed to voice track, there wouldn't be any local information when a live announcer isn't on. Since we can't afford to have our station staffed around the clock, voice tracking is a vital tool to bring information to the community at other hours. We don't just voice track merely to say what music is playing. We use it to give community news, weather, events and services information.

If the FCC were to prohibit voice tracking, it would also then have to consider whether any pre-recorded or satellite delivered programming should also be prohibited.

I respectfully urge the FCC to NOT impose additional burdensome and expensive regulations to supplant that which the free marketplace of media and commerce already does very efficiently. Such regulations will have dire consequences for many small and medium market independent broadcasters.

Respectfully submitted,

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